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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 May 1993, at 10 a.m.

Chairperson: Mr. ALSTON

CONTENTS

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Initial report of Lebanon (continued)

Organization of work (continued)

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GE.93-16739 (E)

The meeting was called to order at 10.18 a.m.

CONSIDERATION OF REPORTS (agenda item 5) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Lebanon (continued) (no symbol)

1. At the invitation of the Chairperson, Mr. Maamari and Mr. Chaar (Lebanon) took places at the Committee table.

2. Mr. MAAMARI, said that before replying to the questions put to him, he wished to thank members of the Committee for the indulgence shown to Lebanon with regard to the late submission of its report.

3. On the subject of the incorporation of the provisions of the International Covenant on Economic, Social and Cultural Rights in domestic law and the right of appeal, he said that Lebanon had ratified the Covenant and that, consequently, its domestic laws were in conformity with the Covenant's provisions. However, a distinction should be made between provisions of an enforceable character and those that established a programme calling for action by the legislature. In the first case, for example, an administrative act that violated the trade union rights set forth in article 8 of the Covenant might be submitted to the Council of State, the competent legal body in administrative matters, which would annul it. On the other hand, failure to comply with the obligations set forth in, for example, article 15 of the Covenant, which provided that States must take steps to ensure the conservation, development and diffusion of science and culture, could not be sanctioned by a court. If the violation of rights was due to an unconstitutional law, the Constitutional Council, once it had been set up, would be able to annul that law provided that a request to that effect was brought before it by the President of the Republic, the President of the National Assembly, the President of the Council of Ministers or by 10 deputies, or yet by the head of one of the religious groups recognized by the law in the case of a violation affecting personal status, religious and cultural freedoms or the freedom of religious education. In response to a question from Mr. Rattray, he said that the Constitutional Council could not be seized by an individual. That procedure was not permitted even in democratic countries such as France.

4. Turning to the questions put by Mr. Alvarez Vita, Mr. Rattray and Mr. Muterahejuru on the number of Lebanese belonging to religious groups recognized by law, he said that some of those groups did not appear in the table annexed to the electoral law since they were subsumed under the heading of minorities. The reference to "Muslims" and "Christians" in the table contained in the preliminary report did not appear in the electoral law. Furthermore, the heading "minorities" under the reference "Christians" was inaccurate, since it included Jews. Other recognized religious groups (such as the Syrian Catholics, Syrian Orthodox, Nestorians and Chaldeans) appeared only under the heading of minorities. Lebanese membership of such groups was deeply rooted in the past and inextricably bound up with the formation of the present State. There were two separate aspects to religious affiliation, one

relating to civil status and the other to the representation of such groups at the political level. On the first point, Lebanese were not subject to a single code of civil law; Muslims were governed by Islamic law while other religious denominations submitted their own codes for approval by the State. However, a single law governing inheritance applied to all non-Muslims. Thus a kind of federalism prevailed in that citizens of the same State were subject to different laws. Instead of having a territorial basis, such federalism was founded on membership of a group. As Mr. Alvarez Vita had said, that system did not permit a Lebanese to espouse a religion, such as Baha'ism, for which no provision had been made. The same question had been asked by Mr. Muterahejuru and Mr. Texier.

5. Civil marriage did not exist in Lebanon. Couples who wished their marriage to be governed by civil law were obliged to go abroad. That was the only hindrance to freedom of expression in Lebanon. With regard to the political aspects of religious affiliation, he said that in parliamentary elections voting took place on a list of candidates representing the various religious denominations in the electoral district, in proportions reflecting the numerical strengths of the denominations concerned. In the electoral district of Beirut, for example, of a total 19 seats to be filled, six were reserved for Sunni Muslims, two for Shiah Muslims, one for a Druze, one for a Maronite, one for a Greek Catholic, one for a Greek Orthodox, one for an Evangelist, one for an Armenian Catholic, three for Armenian Orthodox and one for a member of a minority denomination. Voters of all denominations voted for the entire list, but had the option of inserting candidates from other lists provided the proportions between the groups was respected. A Lebanese was defined not only by geographical provenance and occupation but also by religious affiliation; thus parliamentary seats had to be set aside proportionately for the different groups. The same applied to the principal government offices.

6. In reply to Mr. Texier, who had asked for information on the economic, social and cultural part of the Taif accords, he explained that in their first part, devoted to general principles and reforms, the accords described Lebanon as a democratic parliamentary republic founded inter alia on respect for public liberties and on the equal rights and obligations of all citizens; it had a free economy and upheld the principle of individual initiative and private property. The harmonious cultural, social and economic development of the various regions was one of the cornerstones of the unity and stability of the State. Social justice should be achievable through financial, economic and social reform. The Taif accords also defined the rights to which Lebanese were entitled. In the part dealing with reforms, the accords provided for the establishment of an economic and social development council with advisory duties. The same part provided that primary education should be compulsory and available free to all; the liberty of education within the framework of the law and the protection of private education was upheld. He drew attention to the various reforms envisaged in that part of the accords.

7. With reference to information, provision was made for a reorganization of all information media under the law with a view to reconciliation and ending the state of war. In addition, a section dealt with extension of the

sovereignty of the State to every part of the territory of Lebanon and the liberation of that part of Lebanon under Israeli occupation in conformity with Security Council resolution 425 (1978).

8. With regard to statistics, the Lebanese Government did not have sufficient human and financial resources to carry out on-the-spot surveys and prepare statistics. The initial report was in general based on reliable sources, for which references were given, but it was well known that there was a dearth of statistics on Lebanon. Furthermore, it was often difficult to obtain clarification of available statistics because of poor telephone and postal services.

9. As for literacy, on which Mr. Simma had asked a question, the literacy rate in Lebanon was estimated at 80.1 per cent (87.8 per cent for men and 73.1 per cent for women). The mean rate would have been 80.45 per cent and not 80.1 per cent had the numbers of men and women been equal. The figures were taken from the UNESCO World Education Report 1991 but they were merely a rough estimate. The reason for the difference in literacy rates for men and women was probably the traditional view in rural areas that girls had no need of schooling. In reply to a question from Mr. Alvarez Vita, he said that literacy was generally acquired in Arabic, especially in the rural areas.

10. In explanation of the apparently contradictory figures given in the initial report, he said that annual per capita income amounted to US$ 2,150 according to UNICEF estimates (State of the World's Children, 1992). Other sources indicated the average wage to be 320,000 Lebanese pounds, namely, US$ 130 a month (one dollar was worth 1,742 Lebanese pounds). The General Confederation of Labour, for its part, considered that a family of five needed 1.4 million Lebanese pounds a month to survive (approximately US$ 800). That kind of estimate was exaggerated, since it assumed a standard of living equivalent to that in wealthy countries. By way of illustration, a department head in a ministry was paid about 600,000 Lebanese pounds a month, namely, US$ 350. Mr. Simma was thus right to ask how the Lebanese managed to survive. In fact, many held more than one job and received two salaries. Civil servants also had teaching jobs in university faculties, while Lebanese on very low wages looked to international voluntary organizations for subsidies. Some were unable to manage to pay for water or electricity; their children went to free schools and any hospital treatment they needed was, in principle, completely free of charge.

11. Replying to questions by Mr. Grissa and Mr. Rattray on trade union rights and the right to strike, he said that such rights were restricted in Lebanon. Article 8 of the International Covenant on Economic, Social and Cultural Rights provided for certain restrictions on the exercise of those rights by civil servants. That prohibition was ignored by teachers in the public sector. Other officials did not go on strike or belong to trade unions and there was no other option open to them. However, it was not feasible for the State to maintain a differential between salaries in the public and private sectors; a law made provision for immediate adjustment of the salary levels of civil servants whenever there was a rise in private sector salaries.

12. With regard to displaced persons, there had been mass movements of people in Lebanon. Families had had to be housed for short periods in convents or in

classrooms, but such situations had rapidly returned to normal. Many people were living in very uncertain accommodation but they were not in camps or in tents. Access to accommodation continued to be difficult for displaced persons, but they nevertheless continued to exercise all the rights enjoyed by others. Admission of children to schools had been accepted without difficulty.

13. As for non-nationals, they enjoyed civil but not political rights. They did not have the right to vote, and at the present time were not entitled to free schooling because of budgetary constraints. In reply to Mrs. Bonoan-Dandan's question on the right of Palestinians to acquire Lebanese nationality by marriage, he noted that the Covenant did not have any provisions on acquisition of nationality. That was a matter on which the State alone was entitled to rule, but it did not arise in Lebanon since Palestinians did not ask for Lebanese nationality.

14. On the subject of malnutrition, he noted that, according to UNICEF, there was no famine in Lebanon, although certain diseases might be laid at the door of poor nutrition.

15. The rate of unemployment among the economically active population, which included 27 per cent of women, was 30 per cent. However, many women were not on the labour market because they did not seek employment.

16. With regard to education, a system of schools provided free schooling throughout the country and legislation was being prepared to make primary education compulsory. There were also many private fee-paying schools. A number of universities offered courses in Arabic, French and English. He acknowledged that private establishments frequently provided teaching more appropriate to students' needs, but improvement of the public education system was envisaged in the Taif accords and in the Constitution.

17. On the subject of the elderly, he said that employees in the private sector did not have pension rights as public officials did. In private establishments, termination payments for employees reaching retirement age took the form of a lump sum. However, there were no old age pensions or unemployment benefits.

18. To Mr. Wimer Zambrano's question on lawmaking in Lebanon, he replied that although such activity had slowed in recent years it had been continuous from the pre-war period to the present day. Some laws dated from the independence of Lebanon and others had been amended.

19. Mr. SIMMA said it was his understanding that a number of economic, social and cultural rights could be directly invoked before Lebanese courts; that was commendable and accorded with the Committee's views. The representative of Lebanon had referred to the fact that hospital care was in principle free of charge; he would like further information on the subject, since in many countries medical care, although free in principle, was in practice increasingly subject to charges. Was that the case in Lebanon?

20. Mr. WIMER ZAMBRANO asked whether it was true that a single history textbook was in use throughout the Lebanese school system.

21. Mr. TEXIER said it was his understanding that the procedure followed in Lebanon for testing the constitutionality of legislation had been broadly based on that of France, which was unfortunately not the best possible one. Laws were tested a priori and not a posteriori, which meant that such action was not accessible to the public. Did the Lebanese authorities recognize civil marriage or religious marriage?

22. Mrs. AHODIKPE asked what proportion of buildings had been destroyed as a result of the war. She assumed that such destruction had created housing problems and wished to know whether the Lebanese authorities had made provision for priority in allocation of accommodation to be given to disadvantaged sectors of the population such as orphans, the elderly, the handicapped or single parent families.

23. Mrs. JIMENEZ BUTRAGUEÑO asked for further information on the proportion of women out of work. There appeared to be some discrepancy between what the representative of Lebanon had said in his verbal introduction and what appeared in the report presented the previous day. Furthermore, how did elderly persons who had worked in the private sector manage to live if they were not entitled to an old age pension? Were there any family support or public assistance schemes? How did the unemployed manage to live if there were no unemployment benefits? Had Lebanon any plans to improve its social security system?

24. Mrs. BONOAN-DANDAN said that she was concerned not so much by the status of Palestinian men marrying Lebanese women as by the status of any children of such marriages. The fact that they could not acquire Lebanese nationality might well bar them from full exercise of the economic, social and cultural rights enjoyed by all Lebanese citizens.

25. Mr. GRISSA said that in many countries of the world the proportion of women out of work was lower than that of men because when no work was to be had women often withdrew from the labour market and did not register themselves as unemployed.

26. Mr. MAAMARI (Lebanon) said that in principle hospital care was completely free of charge. That was not a theoretical statement since there were a large number of public hospitals. However, there could occasionally be a difference between the amount the State was prepared to reimburse and the charges made by private hospitals. That was why at times some individuals were obliged to seek a make-up payment from voluntary organizations.

27. He confirmed the existence of a single history textbook; it had been prepared by a commission composed of historians of different outlooks and belonging to various religious groups.

28. Lebanon recognized only religious marriage. The sole exception to the rule was the recognition accorded to civil marriages contracted outside Lebanon and notified through the usual consular channels. Furthermore, the law applicable was that prevailing at the place the marriage had been celebrated. For example, the marriage of Lebanese citizens in France was governed by French law.

29. With regard to the destruction of buildings during the war, he observed that housing was rarely completely destroyed and in most cases was merely damaged. Displaced persons lived either in such partially demolished accommodation or in houses belonging to people who had emigrated or been displaced to another area. However, the Government did not yet have any specific public housing policy.

30. With regard to female unemployment, the figures available to him indicated that the workforce represented 30.1 per cent of the total population; women accounted for 27.2 per cent of the working population; male unemployment was 38 per cent, female unemployment 9 per cent and the mean unemployment rate 23 per cent.

31. As for the resources available to the elderly, a social security benefit was paid at retirement from a fund to which contributions were made by employers, employees and the State. The benefit was calculated on the basis of the number of years of service and the final salary of the person concerned.

32. In the case of Palestinians, he confirmed that the children of a Palestinian father would not be able to acquire Lebanese nationality or become part of Lebanese society. That was a conscious policy decision subscribed to by all Arab States and by the Palestinians themselves.

33. Mr. GRISSA expressed surprise that many Lebanese held several jobs when the unemployment rate in the country was very high.

34. Mr. MAAMARI (Lebanon) said that the contradiction arose because the State had no policy on unemployment and the distribution of work. The present Government's programme included measures to curb unemployment but the necessary policies had not yet been decided upon. The practice of holding several jobs at once was now declining.

35. The CHAIRPERSON said that the Committee had completed its consideration of the report by Lebanon. He thanked the delegation of Lebanon once more for having come to submit its report despite the difficulties confronting their country.

36. Mr Maamari and Mr. Chaar withdrew.

ORGANIZATION OF WORK (agenda item 2) (continued)

37. The CHAIRPERSON said that the Committee had yet to adopt the concluding observations relating to Kenya, Canada, Iran, Viet Nam, Australia and Lebanon. Since those observations could not be made available in all the working languages of the Committee, it might wish to defer their adoption to a later meeting. He was not, however, in favour of that procedure, particularly as States were in a way entitled to be informed of the concluding observations relating to them fairly promptly after submission of their reports.

38. The Pre-Sessional Working Group was to meet at the end of June 1993. Since only the list of issues to be dealt with during consideration of the report of Senegal had yet to be prepared, that Group would be able to consider

any information provided by non-governmental organizations and, in the light of such information, to modify or update as necessary the lists of issues to be dealt with during consideration of the reports of other countries.

39. Moreover, the Committee might decide to devote two days a session to a general debate, either allocating both days to a single topic or considering a different topic each day.

40. He recalled that among the topics proposed for general debate had been the role of international financial institutions, such as the World Bank and the International Monetary Fund; education in human rights and the practical contribution the Committee could make in the field; the right to health and the refugee situation. Those topics would be considered from the standpoint of economic, social and cultural rights.

41. Mr. SIMMA, referring to the lists of issues and any changes that might be made to them, said that in view of the time required for such lists to reach the ministry concerned and the time needed to prepare replies, the Committee would, if it made too many changes to the lists originally sent out, run the risk of losing its credibility and discouraging Governments. Furthermore, the non-governmental organizations invited to the meeting of the Pre-Sessional Working Group in June would inevitably report many cases of abuse of economic, social and cultural rights and request many additions to the lists. It might therefore be better to defer the contribution to be made by non-governmental organizations and the amendment of issues to the meeting of the Pre-Sessional Working Group that would probably be held early in 1994.

42. The CHAIRPERSON, while agreeing that it would hardly be productive to make extensive changes in the lists, said that it was usual to add some issues. It should also be borne in mind that the reason the Committee asked the non-governmental organizations to attend was to benefit from the information they could provide and make the task of the working groups easier.

43. Mrs. IDER said she shared that view; non-governmental organizations made a very useful contribution to the Committee by drawing its attention to actual events. It would therefore be unwise to do without them. As for the lists, the main point was not the number of issues they contained but their importance. They should be altered as little as possible.

44. As for having a general debate on two topics, she was uncertain whether that would be feasible or useful and thought it would be better to deal with a single properly prepared subject, particularly since the topics proposed were very broad. The role of international financial institutions seemed to her of particular interest, provided the working document was carefully prepared and reached the members of the Committee sufficiently early to allow them to study it in detail.

45. Mr. SIMMA said he was fully in favour of participation by non-governmental organizations; the problem was that the Pre-Sessional Working Group would not meet for six weeks, its members would not be the authors of the original lists and would therefore be more inclined to accommodate requests by non-governmental organizations. The main function of the Pre-Sessional Working Group was to provide its members with further

information and ensure that they were properly prepared for the Committee's next session. Furthermore, sending counties a new list, differing considerably from the previous one, might allow them to delay submission of their reports on the grounds that they did not have enough time.

46. Only one day should be set aside for the general debate, but it should be a full day. An examination of the role of international financial institutions did not appear to be very appropriate. He was sure that neither the International Monetary Fund nor the World Bank would send documentation or representatives, and that the Committee would have to rely on information provided by non-governmental organizations, which was bound to be very unfavourable to those institutions. One topic that would have the advantage of being less diffuse and more directly linked to the Committee's terms of reference would be non-discrimination. The Committee's ideas on the subject were somewhat vague. Similarly, it might look into some fundamental rights that were protected by several instruments. The Committee might, in that case, seek the assistance of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, as well as of jurists and experts.

47. Mrs. JIMENEZ BUTRAGUEÑO endorsed Mr. Simma's suggestion to consider non-discrimination during a general debate. She was prepared to place the experience she had gained in preparing the general debate on the elderly at the service of those of her colleagues who would be responsible for other topics.

48. Mr. GRISSA said the Committee should be beware of the difficulties of looking into the role of financial institutions. He noted that, in addition to the World Bank and the International Monetary Fund, consideration would have to be given to GATT and other organizations, including all the regional development banks. Furthermore, those bodies, whose decisions were taken by their member States - generally also Members of the United Nations - did not belong to the United Nations system; they had their own terms of reference, standards and procedures which the Committee was not competent to question, and they tried to base their action on economic grounds only. He drew attention to the difficulties in which the Committee might become embroiled, such as the upheaval resulting from the change in the category of China, which had been placed third in the world economic hierarchy by the International Monetary Fund on the basis of a new method of calculating GNP; confronted with the likelihood of no longer being able to obtain loans at preferential rates, it was protesting vigorously.

49. Mrs. IDER said that if a debate on any particular topic was useful to the Committee it would also be of benefit to member States. An example was the working document that had been prepared for the debate on cultural rights; the findings of the debate could well be of assistance to those trying to protect those rights.

50. A debate on financial institutions would cover a very broad subject on which it would be difficult to reach any definite conclusions. However, there appeared to be a certain desire within the United Nations to see a change of emphasis in the activities of such institutions. The Committee had perhaps some small contribution to make to that task.

51. She urged the Committee to choose the topic it would debate far enough in advance for the working documents to be properly researched.

52. Mr. RATTRAY said that members of the Committee, in choosing a topic for the general debate, should not lose sight of its mandate, which was to consider reports by States. He had noticed that all reports had one point in common: Governments regretted that they did not have the resources to enable all their citizens to enjoy the rights protected by the Covenant. That position was in part due to the constraints imposed by international financial institutions. If the Committee was urging States to ensure minimum protection for their most vulnerable citizens, even in a period of crisis, it could not turn a deaf ear to the vociferous complaints by States about the policy adopted towards them by financial institutions. That policy was by no means decided by the democratic process of one member one vote; it was the contribution made by each member that determined its voting power. Those making the largest contribution thus had the greatest weight in determining, on the political level, what line would be followed.

53. He considered that the cries of anguish from some States parties to the Covenant should not go unheard; the Committee should, as an organ of the Economic and Social Council and after having duly looked into the matter and sought advice, include in its agenda in the relatively near future the question of the role of the international financial institutions.

54. Mr. SIMMA said that the views expressed by Mr. Grissa and Mr. Rattray gave an intimation of the difficulties the Committee would face if it embarked on the study the Chairperson had proposed. While he held no brief for a policy of burying one's head in the sand, he did not feel the Committee had the necessary weight to embark upon such a debate. There was no certainty that it had among its members an expert sufficiently well qualified to prepare the working document. He therefore proposed that the topic should be taken up at a later date, following thorough preparation. However, topics such as non-discrimination or an examination of the core substance to be retained in each right enshrined in the Covenant appeared to him to be perfectly appropriate.

55. Mrs. TAYA said that, like Mrs. Ider, she considered a general debate on the role of international funding institutions would be useful. The World Bank and the International Monetary Fund played a very large role in the funding of development programmes. The aim would be to gear such programmes to the promotion of economic, social and cultural rights. The financial institutions had sometimes, in the face of criticism, been forced to discontinue programmes they had undertaken. That was proof that public opinion was not powerless. The Committee should, for example, through its comments, be able to help reform the practices of the World Bank.

56. Mrs. JIMENEZ BUTRAGUEÑO said that the Committee should try to follow up each general debate, bring it to the attention of States parties and, where necessary, make recommendations to the Economic and Social Council. The debates should lead to further action.

57. Mr. GRISSA feared that the Committee would be making a mistake if it focused only on the World Bank and the International Monetary Fund. To start with, since neither of those institutions was a party to the Covenant, it would be awkward to ask them to come to the Committee to answer questions so that it might in a way sit in judgement on their work; in the circumstances they would have to be asked to submit a report just like States. Furthermore, at first glance it would seem that the Committee's terms of reference did not encompass an invitation to the two institutions in order to analyse and criticize their work.

58. It should not be forgotten that, apart from the World Bank and the International Monetary Fund, there was a host of other international bodies that provided financial assistance. In fact, the World Bank and the International Monetary Fund provided less than 5 per cent of the flow of capital to developing countries. United Nations agencies such as FAO, UNDP or the World Development Fund also played an important part. Although it was not possible to approach all those funding bodies, there was little logic in the Committee focusing on only two of them.

59. Mrs. BONOAN-DANDAN said that a debate on international financial organizations would not be without interest; she was personally very aware of the problems created by the policies of such institutions since she was from a country with an enormous foreign debt. That said, she considered it would be unwise to chose too broad a topic and run the risk of being confined to generalities. A narrower field, associated with the work of the Committee, would therefore be more suitable. One example was the overlapping and duplication of various human rights conventions. It would be interesting to try to enhance the perception of such rights in various committees. Such a discussion would very likely also be useful to other treaty-monitoring bodies in the human rights field and to States parties. If the Committee wished to discuss health, it ought to pick a specific topic and, for example, deal only with the question of maternal health care. In any event, topics that were too broad and diffuse were to be avoided.

60. Mr. TEXIER said that he did not think a discussion with the World Bank and the International Monetary Fund advisable. Those institutions might not wish to be questioned by the Committee; furthermore, most members of the Committee were not sufficiently well-versed in economics to sustain a detailed discussion. The Committee could, however, try to arrange a discussion with a body whose interests were closer to its own and which was allocating aid to countries on the basis of their respect for human rights, and in particular economic, social and cultural rights. That body was UNDP. A year or so previously the UNDP Administrator and the Under-Secretary-General for Human Rights had signed a noteworthy decision on the subject. It would be of interest to know more of what UNDP was doing for human rights and to see how the Committee might call on that body for purposes of technical assistance; the Centre for Human Rights clearly did not have the funds to provide extensive technical assistance, but UNDP had greater resources.

61. Mrs. AHODIKPE said that consideration of the policies of the World Bank and the International Monetary Fund would be perfectly appropriate; the Committee ought not to shut its eyes to reality. An examination could thus be made of the economic and social repercussions of the policies of the two

institutions in countries party to the Covenant to see whether such policies led to abuse of economic, social and cultural rights. Such consideration ought to be possible without coming into conflict with the World Bank or the International Monetary Fund or asking them to appear before the Committee for questioning, which was not covered by its terms of reference.

62. The CHAIRPERSON noted that the Committee was divided on the issue of a general debate on international financial organizations. Since it was an issue of substance, he felt that no decision should be reached without a consensus. In order to take all the comments made into account, he suggested that the Committee should endorse the resolution adopted by consensus by the Commission on Human Rights, calling for the organization of an expert seminar on the role of the international financial institutions in the realization of human rights, and make sure that one or more of its members attended the seminar. In that way the Committee would demonstrate its concern about some aspects of the policies of the World Bank and the International Monetary Fund without itself entering into a discussion on which opinions were divided.

63. The Committee might then choose the right to health as the topic for its next general debate, with emphasis on non-discrimination and on what should constitute the core substance of that right.

64. Mr. SIMMA said that although he was not in favour of a discussion with the international financial institutions, he did not question the importance of the impact of their actions. He fully endorsed the Chairperson's proposals.

65. The CHAIRPERSON said that in order to make the debate on health he had outlined more productive, the Committee should call on outside speakers who were not its usual interlocutors. He thought that bodies such as the American Association for the Advancement of Science might be prepared to send a representative on the day of the debate.

66. Mr. SIMMA said that the Committee might also call on a member of the Rights and Humanity organization, which he knew was most concerned about discrimination against women suffering from AIDS.

67. Mrs. IDER suggested that the Committee should learn from the experience of the Human Rights Committee in preparing studies and carrying out research. For example, when there was a general debate, would contributions be prepared by Committee members with or without the help of the Secretariat? Moreover, the Human Rights Committee looked into the interpretation of civil and political rights. It had, for example, examined how the right to life was interpreted in different countries, making use of various sources. With regard to the right to health, the Committee itself might also benefit from the experience of the Human Rights Committee.

68. The CHAIRPERSON took note of that suggestion and recalled that, like the Human Rights Committee, the Committee on Economic, Social and Cultural Rights had decided to make general observations. In the absence of any objection, he would take it that there was a consensus that the Committee should hold a general debate on the Monday of the third week of its next session on the

right to health in relation to non-discrimination and on the core substance of that right, and that the Committee would subsequently endeavour to follow up that debate.

69. It was so decided.

70. The CHAIRPERSON, turning to another aspect of organization of the Committee's work, namely, the schedule of future sessions and the number of country reports or situations to be considered by the Committee, noted that a total of 32 States parties had never submitted a report. It might therefore be appropriate to start regularly including in the Committee's programme of work a consideration of the situation in such countries. How soon should such consideration start? Perhaps the Committee could inform the Economic and Social Council that its workload justified a special session the following year.

71. Mr. SIMMA said he was in full agreement with prompt consideration of the situation in countries which had not submitted a report, as had been done at the present session in the case of Kenya. It seemed that, for various reasons, the May sessions were more productive and more practical for members than those held in November and December; it also seemed that May was now a relatively quiet period for the United Nations. Perhaps the possibility of holding the Committee's regular session in May could be explored.

72. Mr. WIMER ZAMBRANO said that in view of the backlog of country reports and situations for consideration, an additional session was essential. He would also like an accurate estimate of the time the Committee would need to get through its backlog and be in a position to consider reports before they became out of date. He endorsed Mr. Simma's proposal to hold the regular session in spring.

73. The CHAIRPERSON said that as far as he knew most members of the Committee would prefer its regular session to be held in May rather than in the autumn. He noted that, apart from the 32 countries that had not submitted a report, the Committee was not really behind in its consideration of reports. In the absence of any objection, he would therefore take it that the Committee was asking for an additional session to be held the following May and would like in future to hold its regular sessions during that month.

74. It was so decided.

The meeting rose at 1 p.m.